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EXAMINER RICKET, JASON D				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/530,759

**Applicant(s)**

LEPPANEN ET AL.

**Examiner**

JASON RECEK

**Art Unit**

2442

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is in response to the amendments filed on October 2nd 2009.

#### ***Response to Arguments***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. Applicant's arguments, see pg. 10-15, filed 5/20/09, with respect to the rejection(s) of claim(s) 1-17 and 21-31 under Agrawal have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Sylvain US 2004/0062383 A1.
3. Applicant's arguments, seep. Pg. 15-16 concerning the Requena reference have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Sylvain US 2004/0062383 A1.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agrawal US 2002/0083127 A1 in view of Sylvain US 2004/0062383 A1.

Regarding claim 1, Agrawal discloses "a presence information unit configured to provide presence information" as a presence server that contains presence information about users (pg. 2 paragraph 24, Fig. 1), "said presence information comprising a plurality of elements" as presence data may indicate multiple conditions (pg. 2 paragraph 25), "a storing unit configured to store information defining at least one group, said group containing a plurality of users" as a buddy list (pg.2 paragraph 26), "an information providing unit configured to provide second information defining for each user of said group which elements of said presence information are to be provided to a watcher" as configuring user presence data to indicate specific states for certain users (pg. 4 paragraphs 41, 49), the watcher is the person to whom the presence information is provided, and "said second information defines a subset of said elements of said presence information" as providing certain presence information but not all presence information (paragraphs 41, 49).

Agrawal does not explicitly disclose "wherein said second information is definable by the watcher" however this is taught by Sylvain as a subscriber (i.e. watcher) providing a profile to filter the presence information requested (paragraph 39, Fig. 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Agrawal to include a watcher profile as taught by Sylvain for the purpose of providing relevant information. The purpose of presence information is to inform the requester (watcher) of the availability of the first user (paragraph 3). A watcher may not be interested in the entirety of information but rather would prefer only to be updated when necessary (paragraph 37). Thus Sylvain suggests using rules (i.e. watcher defined filter) to increase efficiency of presence updates (paragraphs 37-39).

Regarding claim 2, Agrawal discloses "said defined subsets of said presence information are provided to the watcher" as providing presence data from the server to the client (pg. 3 paragraph 39, Fig. 4).

Agrawal does not explicitly disclose "in response to a request from said watcher" however this is taught by Maanoja as a user requesting presence information (paragraph 45).

Regarding claim 3, Agrawal discloses "wherein said watcher is at least one of said plurality of said users" as a user who configures their buddy list to show presence data of others is a requester of that data (pg. 2 paragraph 26).

Regarding claim 4, Agrawal discloses "said defined subsets of said elements of said presence information are available only to one watcher or to a plurality of watchers" as controlling who has access to presence information (pg. 4 paragraph 49).

Regarding claim 5, Agrawal discloses "said defined subsets of said elements of said information provided are dependent on the identity of the watcher" as only showing presence information to certain people (pg. 4 paragraph 49).

Regarding claim 6, Agrawal discloses "a determining unit configured to determine the identity of the watcher making said request" as a buddy list user would necessary know the identity of the other users receiving the presence information (pg. 4 paragraph 41).

Regarding claim 7, Agrawal discloses "said storing unit comprises a presence server" as a presence server (pg. 2 paragraph 24, Fig. 1).

Regarding claim 8, Agrawal discloses "said information providing unit ... comprises a storage means" as an application server having a presence repository (pg. 4 paragraph 42, Fig. 11).

Regarding claim 9, Agrawal discloses "said storing unit and said information providing unit are provided by a common storage unit" as a presence server and an

application server that have access to a common presence repository (pg. 4 paragraph 41-42, pg. 5 paragraph 53, Fig. 11).

Regarding claim 10, Agrawal discloses "said information providing unit ... comprises one of said users" as a user that provides presence information about himself (pg. 4 paragraph 49).

Regarding claim 11, Agrawal discloses "a separate address is provided for each of a plurality of groups" as using protocols HDTP/HDML or WAP or TCP/IP each message would have a unique address, thus each group would have a separate address (pg. 2 paragraph 27-9).

Regarding claim 12, Agrawal discloses "said users comprise user equipment" as a client/user consisting of a mobile device (pg. 2 paragraph 24, Fig. 1).

Regarding claim 13, Agrawal discloses "said presence information comprises at least one of the following elements of information: Subscriber status; Network status; communication means; Contact address, Subscriber provided location; Network provided location; text; priority; mood, favourite colour" as presence information includes at least network status – available or unavailable (pg. 2 paragraph 25) but may also include contact information and location (pg. 4 paragraph 41).

Regarding claim 14, Agrawal discloses "second information comprises information as to subsets of said the elements of said presence information required" as providing the presence information (pg. 2 paragraph 25, pg. 3 paragraph 39) which is configured from available presence information (paragraph 41), thus comprising a subset of information and only providing information which is allowed/required (paragraph 49).

Regarding claim 15, it corresponds to claim 14 but defines the second information subset as being the information that is not required. As discussed in claim 14, Agrawal discloses configuring a set of information (subset) that may or may not be required (paragraphs 49-50).

Regarding claim 16, Agrawal discloses "the subsets of said elements of the presence information to be obtained are the same for all of at least one group" as configuring a buddy list to identify who is available, thus the same information is provided for all of the group (pg. 4 paragraph 41).

Regarding claim 17, Agrawal discloses "the subsets of said elements of the presence information to be obtained are different for at least two users at least one group" as configuring a buddy list to identify who is available and configuring a buddy list to identify who is not available but reachable, thus different presence information is being obtained (pg. 4 paragraph 41).



Regarding claim 18, Agrawal does not disclose "the system operates in accordance with a session initiation protocol (SIP)" however this is taught by Sylvain (paragraph 41). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Agrawal with SIP as taught by Sylvain. SIP is well known in the art (as evidenced by Sylvain) and yields predictable results. Therefore, this is merely the combination of known elements according to their established function in order to yield a predictable result.

Regarding claim 19, the combination of Agrawal and Maanoja does not disclose "request for said presence information is made in a SUBSCRIBE request" however this is taught by Sylvain (paragraph 44). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Agrawal with SIP as taught by Sylvain. SIP is well known in the art (as evidenced by Sylvain) and yields predictable results. Therefore, this is merely the combination of known elements according to their established function in order to yield a predictable result.

Regarding claim 20, the combination of Agrawal and Maanoja does not disclose "the information providing unit comprises a SIP SUBSCRIBE message" however this is taught by Sylvain (paragraphs 443-44). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Agrawal with SIP as taught by Sylvain. SIP is well known in the art (as evidenced by Sylvain) and yields predictable

results. Therefore, this is merely the combination of known elements according to their established function in order to yield a predictable result.

Regarding claim 21, Agrawal discloses "said storing unit is arranged to receive presence information from the users of said group" as presence information is sent from the users to the server where it is stored (pg. 2 paragraph 25).

Regarding claim 22, Agrawal discloses "said storing unit is arranged to provide the parts of the presence information to be provided" as the server provides the presence information to other users (pg. 4 paragraph 41).

Regarding claims 23-24, Agrawal discloses "an entity associated with a user or a user of the group is arranged to provide to the elements of the presence information to be provided" and "said entity comprises a presence server" as a presence server associated with the users that provides presence information (pg. 2 paragraph 24, Fig. 1).

Regarding claim 25, Agrawal discloses "said storing unit is configured to add said elements of presence information to a request sent to said user or an entity associated with said user" as delivering an acknowledgment to the message originator concerning the user presence information (pg. 4 paragraph 44).

Regarding claim 26, Agrawal discloses "said storage unit receives from said requester, said storage unit is configured to insert the elements of presence information into a request sent to said user or an entity associated with said user" as an application where a user configures a buddy list to inform user presence data, thus the storage means is inserting the user presence data for the requester (pg. 2 paragraph 26, pg. 3 paragraph 39, pg. 4 paragraph 41).

Regarding claim 27, Agrawal discloses "defining at least one group containing a plurality of users with which presence information is associated, said presence information comprising a plurality of elements associated with each user" as a buddy list where users have presence information associated with them that comprises a plurality of parts (pg. 2 paragraph 26, pg. 4 paragraph 41), and "defining for each user of said group what elements of said presence information are to be provided to a watcher, wherein ... said provided information defines a subset of said elements" as specifying what presence information to receive (pg. 4 paragraph 41).

Agrawal does not explicitly disclose "wherein defining for each user of said group which elements of said presence information are to be provided is preferred by the watcher" however this is taught by Sylvain as a subscriber (i.e. watcher) providing a profile to filter the presence information requested (paragraph 39, Fig. 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Agrawal to include a watcher profile as taught by Sylvain for the purpose of providing relevant information. The purpose of presence information is to

inform the requester (watcher) of the availability of the first user (paragraph 3). A watcher may not be interested in the entirety of information but rather would prefer only to be updated when necessary (paragraph 37). Thus Sylvain suggests using rules (i.e. watcher defined filter) to increase efficiency of presence updates (paragraphs 37-39).

Regarding claim 28, Agrawal discloses "filtering the presence information for at least one user of the group to obtain the defined elements of said presence information" as a user configuring what presence information to show and to whom, thus the presence information is "filtered" (pg. 4 paragraph 49).

Regarding claim 29, Agrawal discloses "requesting for at least one user of said group said defined elements of said presence information" as a user wanting to know the presence information of another user of a group (pg. 3 paragraph 39).

Regarding claim 30, Agrawal discloses "a storing unit ... defining at least one group, wherein said group comprises a plurality of users with which presence information is associated" as a buddy list that contains several users each user having presence information (pg. 2 paragraph 26), "said presence information comprises a plurality of elements" as presence information that comprises multiple parts (pg. 2 paragraph 25, pg. 4 paragraph 41), and "second information defining for each user of said group which elements of said presence information are to be provided to a

watcher, wherein ... provided information defines a subset of said elements" as a user configuring what parts of presence information to provide (pg. 4 paragraphs 41, 49).

Agrawal does not explicitly disclose "wherein said second information is definable by the watcher" however this is taught by Sylvain as a subscriber (i.e. watcher) providing a profile to filter the presence information requested (paragraph 39, Fig. 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Agrawal to include a watcher profile as taught by Sylvain for the purpose of providing relevant information. The purpose of presence information is to inform the requester (watcher) of the availability of the first user (paragraph 3). A watcher may not be interested in the entirety of information but rather would prefer only to be updated when necessary (paragraph 37). Thus Sylvain suggests using rules (i.e. watcher defined filter) to increase efficiency of presence updates (paragraphs 37-39).

Regarding claim 31, it corresponds to claim 1 except it contains the language "means for" in place of the term "unit" thus it is narrower in scope since it is limited to the examples described in the specification and therefore it is rejected for the same reasons given in claim 1.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maanoja et al. US 2004/0260944 A1 discloses a watcher setting preferences to receive presence info (paragraph 50).

Mukherjee et al. US 2003/0073440 A1 discloses providing presence information by using SIP (Fig. 3).

Bobde et al. US 2003/0217142 A1 discloses a system for determining and providing presence information (abstract).

Arora et al. US 2004/0064568 A1 discloses a presence information indexing system (abstract).

Yoakum et al. US 2004/0059781 A1 discloses a presence system where a subscribe can indicate a subset of presence information to be received (abstract, paragraph 17).

Dreke et al. US 2002/035594 A1 discloses a system for maintaining presence information (abstract).

Xu et al. US 2003/0110228 A1 discloses monitoring presence data to improve collaboration (abstract), and a watcher module (paragraph 36, Fig. 5).

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON RECEK whose telephone number is (571)270-1975. The examiner can normally be reached on Mon - Fri 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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